

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED CHANGES
IN THE REGULATIONS PERTAINING TO
DISCLOSURE OF MILL ASSESSMENT REPORTING**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Department of Pesticide Regulation (DPR) is providing notice of changes made to the proposed text of section 6388 of Title 3 of the California Code of Regulations. These changes are in response to comments received during the public comment period. The public comment period on the originally proposed regulatory action closed on May 24, 2004. The Director finds that the modifications are sufficiently related to the original text of the proposed action. The modified text is being made available to the public for 15 days, during which written comments on the modifications will be received as provided in section 11346.8(c) of the Government Code.

DPR will accept written comments relevant to the modifications between February 22, 2005, and 5:00 p.m. on March 9, 2005. Written comments relevant to the modifications may be sent via e-mail <dpr04002@cdpr.ca.gov>; or may be directed to Ms. Linda Irokawa-Otani, Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1452.

In response to the comments received, DPR has made a sufficiently related change to the text from that which was originally proposed.

- Instead of deleting the current section 6388(d), DPR proposes to replace the current language with new language that would address both its concerns regarding the inappropriate justification for the nondisclosure of certain mill reports as trade secrets and the inconsistency of the current language with the provisions of the Public Records Act, and the concerns expressed in the comments submitted by registrants. The new language would explicitly protect the confidentiality of the price information of all registrants pursuant to a specific exemption in the Public Records Act that incorporates certain privileges outlined in the Evidence Code.

Current wording of the regulation is shown in normal type. Originally proposed additions are shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New wording to be added by the modifications is shown in **bold double underline**.

All written comments received by 5:00 p.m. on March 9, 2005, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the modifications of the text.

Mary-Ann Warmerdam, Director
Department of Pesticide Regulation

Date